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June 11, 1997

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

RECEIVED
JUN 11 1997
Federal Communications Commission
Office of Secretary

Re: Reply to June 2nd *Ex Parte* Presentation of E-SAT;
IB Docket No. 96-220

Dear Mr. Caton:

Orbital Communications Corporation ("ORBCOMM") hereby takes this opportunity to respond briefly to the *ex parte* submission filed on June 2, 1997 by E-SAT, Inc. ("E-SAT"). ORBCOMM was particularly troubled by E-SAT's assertions that ORBCOMM was not cooperating adequately in coordination discussions. ORBCOMM at all times has fulfilled its obligations, and remains willing to attempt to reach a successful coordination with E-SAT. However, E-SAT had not responded to earlier information requests of ORBCOMM, and indeed E-SAT had not even served ORBCOMM with a copy of the June 2nd letter, much less attempted to discuss the new technical proposals in that letter with ORBCOMM prior to its submission to the Commission.

There had been limited discussions between ORBCOMM and E-SAT over the last few months. The following chronology describes those contacts:

On March 25, 1997, ORBCOMM received a copy of E-SAT's March 19 *ex parte* presentation that provided a brief description of the E-SAT system (at that time) and a statement that interference would not be a problem.

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Mr. William F. Caton
June 11, 1997
Page 2

ORBCOMM responded to some questions from E-SAT regarding the ORBCOMM system shortly thereafter.

On May 1, 1997, E-SAT left a voice mail message with an ORBCOMM engineer; that message was not retrieved until May 4, 1997, immediately prior to that individual's leaving for the WP8D meetings in Geneva. On the following day (May 5, 1997), the ORBCOMM engineer spoke with an E-SAT representative in Geneva. When asked what ORBCOMM was looking for, the engineer indicated that ORBCOMM was looking for an analysis that shows that sharing is feasible.

On May 14, an E-SAT representative contacted ORBCOMM and asked what we were looking for with respect to E-SAT. We responded that we were looking for an analysis that showed that sharing was feasible.^{1/}

The next time ORBCOMM received any information regarding sharing with E-SAT was on June 6, 1997, when we obtained a copy of the June 2nd *ex parte* from the Commission files; ORBCOMM had not been served with a copy of that submission. Thus, it was only last Friday that we learned that E-SAT was claiming that ORBCOMM failed to coordinate in good faith.

ORBCOMM is reviewing the new technical information presented in the June 2nd *ex parte*, and expects to present the Commission with an analysis shortly. ORBCOMM has some preliminary observations with respect to E-SAT's June 2nd *ex parte*, however.

First, ORBCOMM has met its obligations to coordinate in good faith, but it cannot be expected to coordinate in a vacuum. As is evident from the June 2nd *ex parte*, the E-SAT system has been "evolving," as reflected by their indication of an intent to subsequently re-submit their application. ORBCOMM is hard pressed to coordinate with a "moving target." In addition, it is not ORBCOMM's role to attempt to re-design the E-SAT system.^{2/}

^{1/} On May 16, 1997, ORBCOMM obtained a copy of the April 10 *ex parte* submission of E-SAT; we had not been served with a copy of that filing. ORBCOMM did not respond to that letter (which was not directed to ORBCOMM), but at that same time obtained a copy of Leo One's response, indicating that there were significant errors in that filing. ORBCOMM does not disagree with Leo One's analysis of the April 10 *ex parte* submission.

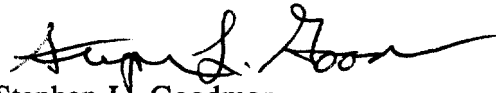
^{2/} As the Commission makes clear in its Rules (47 C.F.R. § 25.142(b)(3)), at the direction of the Commission, a licensee is required to engage in good faith coordination efforts with applicants, "however, the permittee or licensee being coordinated with is not obligated to suggest changes or re-engineer an applicant's proposal in cases involving conflicts."

Mr. William F. Caton
June 11, 1997
Page 3

Second, ORBCOMM disagrees strongly with the suggestion in E-SAT's June 2nd *ex parte* that the problem in interference from the E-SAT uplinks is due to the Dynamic Channel Activity Assignment System ("DCAAS") receivers being overly sensitive. ORBCOMM has designed (and constructed and deployed) very sensitive scanning receivers so as to minimize the risk of interference to the military land mobile users with whom we are sharing. In order to avoid transmitting on channels on which the terrestrial users are operating, the DCAAS sharing method requires careful monitoring of the land mobile activity. The operating parameters of the DCAAS are not a theoretical construct, nor are they intended as an artifice to constrain competition. Rather, these values are being used in the DCAAS system to allow ORBCOMM's satellite constellation to share successfully with the terrestrial operations.

In sum, ORBCOMM will continue its review of the latest E-SAT design to determine whether co-frequency sharing between the ORBCOMM and E-SAT systems is possible. ORBCOMM strongly disputes, however, E-SAT's claim that ORBCOMM has not fulfilled its obligation to coordinate in good faith.

Sincerely,



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